



Appeal Decision

Site visit made on 1 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/T5150/W/21/3272239

240 Kingsbury Road, Kingsbury NW9 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Marco Polo Properties Ltd against the decision of the London Borough of Brent.
 - The application Ref 21/0053, dated 5 January 2021, was refused by notice dated 22 March 2021.
 - The development proposed is change of use from car sales and ancillary workshop to car workshop, store and associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of the site visit I noted that the workshop has been constructed and the car repair use was in operation. The application has been submitted retrospectively and I have dealt with the appeal on this basis.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The application form refers to the appeal site as 240 Kingsbury Road, however, the Council have referred to the site as 'The Trade Centre, 240 Kingsbury Road'. I have used the address given by the appellant on the original application.
5. I note that there is an enforcement investigation relating to the appeal site. However, this is not a matter which is before me as part of this appeal, and it has not influenced my decision.
6. The Council has referred to policies in the emerging Brent Local Plan in the reasons for refusal. The National Planning Policy Framework (the Framework) in paragraph 48 sets out that the weight to be given to relevant policies in emerging plans varies according to the stage of preparation, the extent to which there are any unresolved objections and consistency with the Framework. Based on the evidence before me the emerging Local Plan could be subject to modifications and further public consultation, I therefore afford it very limited weight in coming to my decision.

Main Issues

7. The main issues are:

- The effect of the development upon the safe and efficient operation of the local highway network; and
- The effect of the development upon the character and appearance of the area.

Reasons

Safe and efficient operation of the local highway network

8. The site is accessed from Kingsbury Road, a busy route, via an access road which also serves a number of other businesses including a hand car wash, tyre centre and printers. On the same side of the road, either side of the site, is a car rental depot and restaurant. Parking restrictions on Kingsbury Road, in the locality of the site, are limited to 0800-0900 and 1530-1630 on weekdays.
9. At the time of the site visit I noted that one side of the access road was parked with cars, although it was not evident which business the cars were associated with. The reduced road width made it difficult for vehicles to enter the site which resulted in them waiting on the road and blocking the access for short periods of time. I also witnessed a number of vehicles exiting the site and turning right onto Kingsbury Road resulting in oncoming traffic having to slow down or stop. Whilst this is a snapshot in time it is evident that the access is heavily used throughout the day.
10. Whilst the development would provide 9 vehicle spaces several spaces would not be accessible or usable which is likely to result in indiscriminate and inconsiderate parking taking place on site or on the access road. This is likely to lead to irregular manoeuvres to enter or leave the site thereby increasing the potential for conflict with vehicles, both moving and stationary resulting in an unacceptable impact on highway safety.
11. The traffic restrictions on Kingsbury Road are limited to an hour in the morning and afternoon and during the site visit, on a weekday morning, I noted vehicles parked and deliveries taking place on the road next to the access. The parking arrangements would lead to vehicles being unable to manoeuvre within the site and reversing along the access road onto the highway where visibility is restricted due to parked cars, despite the width of the junction onto Kingsbury Road. This increases the likelihood for collisions with pedestrians or oncoming vehicles which has an unacceptable impact upon highway safety.
12. I understand that the site was previously used for car sales with ancillary car repairs. However, I do not have the full details before me. In any event every appeal must be considered on its own merits. My determination of this appeal is focused upon the merits of the scheme before me.
13. The absence of traffic accidents over the last 5 years does not alter my conclusion that the activity and lack of visibility adversely affects highway safety.
14. As such, the development is contrary to Policy DMP 12 of the Brent Local Plan Development Management Policies (2016) (DMP) which, amongst other things,

requires adequate parking provision which does not have negative impacts on the highway.

Character and appearance

15. I acknowledge that the building on site replaced previous structures and sits in the context of commercial buildings and structures of varying forms. However, the building, largely constructed from painted timber, does not relate well to neighbouring buildings. It represents a visually discordant building within the overall street scene. Whilst reasonably localised, the development unacceptably harms the character and appearance of the area. Painting the building, in my view, would not overcome the harm that I have identified.
16. The development detracts from the character and appearance of the area contrary to DMP Policy DMP 1 which, amongst other things, requires acceptable materials, detailing and design that complements the locality. It would also not accord with guidance contained within Supplementary Planning Document 1 – ‘Brent Design Guide’ (2018) which, amongst other things, requires developments to respond to local context and respect the existing character of the streetscape.

Other Matters

17. I note that representations were made by local occupiers raising additional concerns. However, given my findings, it is not necessary to consider these matters in detail.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR